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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,526	11/21/2000	Gary W. Tripp	1770-13-3	2538
25315	7590	12/08/2004	EXAMINER	
BLACK LOWE & GRAHAM, PLLC 701 FIFTH AVENUE SUITE 4800 SEATTLE, WA 98104			VU, VIET DUY	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/718,526	TRIPP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Viet Vu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-19 and 21-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-19 and 21-45 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

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**Art Rejections:**

1. The text of 35 U.S.C. § 103(a) not cited here can be found in the previous office action.

2. Claims 1-2, 4-11, 16-19 and 21-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burgress et al, US pat. No. 6,049,804.

Per claims 1-2 and 4-6, Burgress discloses a database system comprising:

- a) a self-contained key-ordered list of data objects (see col 3, lines 49-54),
- b) a plurality of memories in a plurality of storage devices, each memory for storing a segment of data objects wherein each segment consists of a contiguous subset of the objects having keys with a specified range (see col 3, line 55 - col 4, line 18),
- c) a query processor receives a query and, based on the content of the query, directs the query to one or more servers by comparing the data content of the query to the specified range of keys for each segment (see col 4, lines 39-67 and col 6, lines 33-48).

Burgress does not explicitly teach storing segments in a plurality of servers. An official notice is taken that a storage

device is usually resided within and managed by a storage server.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any conventional storage devices such as storage servers in Burgress because they would have enabled parallel processing of data storage/retrieval services (see col 6, lines 33-48).

Per claim 7, Burgress also teaches loading or updating the databases (see col 6, lines 49-61).

Per claim 8, it is noted that Burgress' system is capable of handling multiple queries from the same or different requesters (see col 6, lines 33-48).

Per claims 9-11, it is also noted that Burgress' object includes at least a type, a value and a reference to a location of an associated object (see col 3, lines 49-62).

Claims 16-19 and 21-37 are similar in scope as that of claims 1-2 and 4-11.

3. Claims 12-15 and 38-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burgress and further in view of Rekieta et al, U.S. pat. No. 5,890,156.

Burgress does not teach storing and maintaining multiple copies of a data segment. The use of redundant database segments

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for enabling concurrent process of database records, i.e., concurrent read/write of records, is well known in the art as disclosed by Rekieta (see Rekieta's col 2, lines 31-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burgress with Rekieta's teachings in because it would have enabled further concurrent processing of database storages.

**Response to Amendment:**

4. Applicant's arguments filed on 8/5/04 are moot in view of new ground of rejection set forth above.

**Conclusion:**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

